

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 69**

**FISCAL  
NOTE**

BY SENATORS LAIRD, SNYDER, MILLER AND BLAIR

[Introduced January 13, 2016;

Referred to the Committee on Natural Resources; and  
then to the Committee on Government Organization.]

1 A BILL to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating  
 2 to development of corporate sponsorships for state parks and recreational areas managed  
 3 by the parks and recreation section.

*Be it enacted by the Legislature of West Virginia:*

1 That §20-5-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

**ARTICLE 5. PARKS AND RECREATION.**

**§20-5-2. Powers of the director with respect to the section of parks and recreation.**

1 (a) The Director of the Division of Natural Resources is responsible for the execution and  
 2 administration of the provisions in this article as an integral part of the parks and recreation  
 3 program of the state and shall organize and staff the section of parks and recreation for the  
 4 orderly, efficient and economical accomplishment of these ends. The authority granted in the  
 5 year 1994 to the Director of the Division of Natural Resources to employ up to six additional  
 6 unclassified personnel to carry out the parks' functions of the Division of Natural Resources is  
 7 continued.

8 (b) The Director of the Division of Natural Resources shall:

9 (1) Establish, manage and maintain the state's parks and recreation system for the benefit  
 10 of the people of this state and do all things necessary and incidental to the development and  
 11 administration of the state's parks and recreation system;

12 (2) Acquire property for the state in the name of the Division of Natural Resources by  
 13 purchase, lease or agreement; retain, employ and contract with legal advisors and consultants;  
 14 or accept or reject for the state, in the name of the division, gifts, donations, contributions,  
 15 bequests or devises of money, security or property, both real and personal, and any interest in  
 16 the property, including lands and waters, for state park or recreational areas for the purpose of  
 17 providing public recreation: *Provided*, That the provisions of section twenty, article one of this  
 18 chapter are specifically made applicable to any acquisitions of land: *Provided, however*, That any

19 sale, exchange or transfer of property for the purposes of completing land acquisitions or  
20 providing improved recreational opportunities to the citizens of the state is subject to the  
21 procedures of article one-a of this chapter: *Provided further*, That no sale of any park or  
22 recreational area property, including lands and waters, used for purposes of providing public  
23 recreation on the effective date of this article and no privatization of any park may occur without  
24 statutory authority;

25 (3) Approve and direct the use of all revenue derived from the operation of the state parks  
26 and public recreation system for the operation, maintenance and improvement of the system,  
27 individual projects of the system or for the retirement of park development revenue bonds:  
28 *Provided*, That all revenues derived from the operation of the state parks and public recreation  
29 system shall be invested by the Treasurer and all proceeds from investment earnings shall accrue  
30 for the exclusive use for the operation, maintenance, and improvement of the system, individual  
31 projects of the system or for the retirement of park development revenue bonds;

32 (4) Effectively promote and market the state's parks, state forests, state recreation areas  
33 and wildlife recreational resources by approving the use of no less than twenty percent of the:

34 (A) Funds appropriated for purposes of advertising and marketing expenses related to the  
35 promotion and development of tourism, pursuant to subsection (j), section eighteen, article  
36 twenty-two, chapter twenty-nine of this code; and

37 (B) Funds authorized for expenditure from the Tourism Promotion Fund for purposes of  
38 direct advertising, pursuant to section twelve, article two, chapter five-b of this code and section  
39 ten, article twenty-two-a, chapter twenty-nine of this code;

40 (5) Issue park development revenue bonds as provided in this article;

41 (6) Provide for the construction and operation of cabins, lodges, resorts, restaurants and  
42 other developed recreational service facilities, subject to the provisions of section fifteen of this

43 article and section twenty, article one of this chapter;

44 (7) The director may sell timber that has been severed in a state park incidental to the  
45 construction of park facilities or related infrastructure where the construction is authorized by the  
46 Legislature in accordance with section twenty, article one of this chapter, and the sale of the  
47 timber is otherwise in the best interest of park development, without regard to proceeds derived  
48 from the sale of timber. The gross proceeds derived from the sale of timber shall be deposited  
49 into the operating budget of the park from which the timber was harvested;

50 (8) Propose rules for legislative approval in accordance with the provisions of article three,  
51 chapter twenty-nine-a of this code to control the uses of parks: *Provided*, That the director may  
52 not permit public hunting, except as otherwise provided in this section, the exploitation of minerals  
53 or the harvesting of timber for commercial purposes in any state park;

54 (9) Exempt designated state parks from the requirement that all payments must be  
55 deposited in a bank within twenty-four hours for amounts less than \$500 notwithstanding any  
56 other provision of this code to the contrary: *Provided*, That such designated parks shall make a  
57 deposit in any amount no less than every seven working days;

58 (10) Waive the use fee normally charged to an individual or group for one day's use of a  
59 picnic shelter or one week's use of a cabin in a state recreation area when the individual or group  
60 donates the materials and labor for the construction of the picnic shelter or cabin: *Provided*, That  
61 the individual or group was authorized by the director to construct the picnic shelter or cabin and  
62 that it was constructed in accordance with the authorization granted and the standards and  
63 requirements of the division pertaining to the construction. The individual or group to whom the  
64 waiver is granted may use the picnic shelter for one reserved day or the cabin for one reserved  
65 week during each calendar year until the amount of the donation equals the amount of the loss of  
66 revenue from the waiver or until the individual dies or the group ceases to exist, whichever first

67 occurs. The waiver is not transferable. The director shall permit free use of picnic shelters or  
68 cabins to individuals or groups who have contributed materials and labor for construction of picnic  
69 shelters or cabins prior to the effective date of this section. The director shall propose a legislative  
70 rule for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of  
71 this code governing the free use of picnic shelters or cabins provided in this section, the eligibility  
72 for free use, the determination of the value of the donations of labor and materials, the appropriate  
73 definitions of a group and the maximum time limit for the use;

74 (11) Provide within the parks a market for West Virginia arts, crafts and products, which  
75 shall permit gift shops within the parks to offer for sale items purchased on the open market from  
76 local artists, artisans, craftsmen and suppliers and local or regional crafts cooperatives;

77 (12) Provide that reservations for reservable campsites may be made, upon two days'  
78 advance notice, for any date for which space is available within a state park or recreational area  
79 managed by the Parks and Recreation Section;

80 (13) Provide that reservations for ~~all~~ state parks and recreational areas managed by the  
81 Parks and Recreation Section of the division may be made by use of a valid credit card;

82 (14) Develop a plan to establish a centralized computer reservation system for all state  
83 parks and recreational areas managed by the Parks and Recreation Section and to implement  
84 the plan as funds become available; ~~and~~

85 (15) Pursue the development of corporate sponsorships for state parks and recreational  
86 areas managed by the Parks and Recreation Section; and

87 ~~(15)~~ (16) Notwithstanding the provisions of section fifty-eight, article two of this chapter,  
88 the Natural Resources Commission is authorized to promulgate rules in accordance with the  
89 provisions of article three, chapter twenty-nine-a of this code to permit and regulate the hunting  
90 of white-tail deer in any state park as deemed appropriate by the director to protect the ecological

91 integrity of the area.

NOTE: The purpose of this bill is to promote the development of corporate sponsorships for state parks and recreational areas managed by the Parks and Recreation Section.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.